



Atty. Dkt. No. 029815-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sweeney, Patrick J.
Title: VERTEBRAL PROSTHESIS
Appl. No.: 10/686,998
Filing Date: 10/16/2003
Examiner: Barrett, Thomas C.
Art Unit: 3738

<p>CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p>_____ Jacqui Banks (Printed Name)</p> <p>_____ (Signature)</p> <p>_____ June 16, 2005 (Date of Deposit)</p>
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RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's election/restriction requirement dated May 19, 2005, Applicant elects to prosecute the Examiner's Invention I, claims 1-43 and 61-70. Further, Applicants elect to prosecute the Examiner's Species I, corresponding to Figures 1-14, and Subspecies (i), corresponding to Figure 21. Of the claims identified above for Invention I, claims 1-17, 19-27, 29-36, 38-42, 61-65, and 67-70 read on Species I, Subspecies (i).

Applicant notes that independent claims 12, 21, 32, 39, and 61, chosen for prosecution, are generic to dependent claims 18, 28, 37, 43, and 66 respectively. Accordingly, Applicant respectfully requests that claims 18, 28, 37, 43, and 66 be considered upon allowance of the generic independent claims.

Respectfully submitted,

Date: 6/16/05

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